

Remarks and Arguments

Independent Claims 28, 38, 45, 50 and 58 together with dependent claims 29-37; 39-44; 46-49; 51-57; and 59-69 respectively dependent thereon are presented for reexamination and reconsideration in view of the following.

In the outstanding Office Action, the Examiner objected to the drawings for not including reference signs mentioned in the description; suggested updating the status of the parent application as an issued patent; rejected claims 28 - 33, 35, 37, 38, 40, 41, 43 - 47, 49 - 53 and 57 under 35 U.S.C. §102(b) as being anticipated by Ibiden Co., Ltd.'s prior European Patent Application EP 0 816 065 A1 (hereinafter referred to as "the '065 reference"); rejected claims 29, 48 and 56 under 35 U.S.C. §103(a) as being unpatentable over the '065 reference; rejected claims 54 and 55 under 35 U.S.C. §103(a) as being unpatentable over the '065 reference in view of U.S. patent no. 4,036,780 to Suzuki et al.; and rejected claims 58 - 69 under 35 U.S.C. §103(a) as being unpatentable over the '065 reference in view of U.S. patent no. 4,772,508 to Brassell.

By this Office Action, the specification has been amended as suggested by the Examiner and the drawings are proposed to be amended to include the missing element designations. However, the rejections of the Claims as being anticipated by

and rendered obvious by specifically applied references is traversed and reconsideration thereof is requested.

The present invention is directed to a ceramic filter that has specific characteristics. In independent Claim 28, these characteristics are that the seal layer that adheres a plurality of filters together has a thickness of .3 to 3 mm and a thermal conductance of .1 to 10 W/mk. In independent Claims 38 and 45, these characteristics are a filter length to cross-section in a direction perpendicular to the flow direction is 0.06 to 0.75 mm/mm². In independent Claim 50, these characteristics are an average pore diameter of the filter is 5 to 15 micrometers, an average porosity is 30 to 50%, and the filter has 20% or more of through pores. And, in independent Claim 58, these characteristics are a cell wall having a specific surface area of grains of .1 m²/g or more.

Although the Examiner has found some of the characteristics of some of the claims in the cited references, he has not found all of the characteristics in the prior art. Rather, the Examiner has stated that it would be obvious to have the missing characteristics in the prior art because the seal layer disclosed in the prior art is identical to that in the instant application. With respect, it is submitted that this contention is not supportable. Just because a seal layer looks similar or identical in a reference with the present

application does not make them identical in their characteristics at least because those features of the filter that provide a particular characteristic would not be visible in the drawings, but would be present nonetheless due to the composition of the filter element. In any event, the Examiner is admitting that by arguing that one of ordinary skill in the art would have recognized a claimed characteristic as being obvious in a reference, all of the claim limitations are not apparent and disclosed in a single reference. With this admission, the affected claims cannot be anticipated. According the rejections of independent Claims 28, 38, 45, and 50, and the claims dependent thereon are traversed, and reconsideration thereof is requested.

As mentioned above, Claim 58 claims specificity in the cell wall which the Examiner admits is not disclosed in the reference. The Examiner contends however, that the reference nonetheless would render obvious this specific limitation. With respect, this is not the patent law. Just because one range is disclosed in a reference does not without much more mean that a different range not disclosed in the reference would be obvious. Reconsideration of the rejection of Claim 58 and the claims dependent thereon is requested.

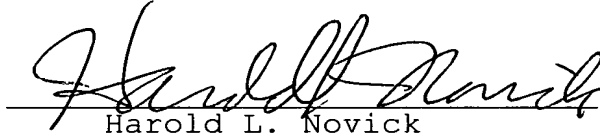
CONCLUSION

In light of the foregoing, Applicant submits that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,
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